

## REMARKS

In the Office Action of October 10, 2007, the Examiner issued an election requirement and indicated that claims 1 and 19 are generic. On October 10, 2007, the applicant filed a response electing claims 1 and 2 and withdrawing claims 19, 20, 23-26 and 28-39 with traverse. On February 5, 2008, a Notice was issued indicating that the response was not fully compliant since a species was not elected and the claims readable on the elected species were not clearly listed.

Claims 1, 2, 19, 20, 23-26 and 28-39 remain in the application. The applicant has changed the status of claims 19, 20, 23-26 and 28-39 from Withdrawn to Previously Presented. Claims 3-18, 21-22 and 27 were previously cancelled.

In response to the notice, the Applicant elects the species depicted by Fig. 3 with traverse and indicates that claims 1, 2, 19, 20, 23-26 and 28-39 are readable on Fig. 3. The applicant traverses the Examiner's species election requirement because Figs. 3-17 are all directed towards a two mirror high numerical aperture imaging device. The method claims 1 and 2 are directed towards methods for designing a two-mirror high numerical aperture imaging device which are embodied by the Figs. 3-17. Similarly, apparatus claims 19, 20, 23-26 and 28-39 are directed towards a high numerical aperture imaging device which are also embodied by the Figs. 3-17. The commonality of the two mirror configuration is also described in the specification which discloses that Figs. 3-17 are cross-sectional representations of "alternative two-mirror embodiments" of the invention. (Application, page 7, lines 27-28, Page 11, lines 26-31.) The applicant submits that a species election requirement one of Figs. 3-17 is improper.

The applicant objects to the Examiner's statement that "[e]ach of the listed Species above, has special technical features mutually exclusive to each species that are not required by any of the other listed species." The applicant respectfully submits that there are no technical features that are mutually exclusive to any of the species. For the all of the reasons discussed above, the applicant submits that the election requirement is erroneous. As discussed above, Figs. 3-17 each illustrate two mirror high numerical aperture imaging devices covered by claims 19, 20, 23-26 and 28-39. These Figures also illustrate two mirror imaging devices that can each

be designed using the methods of claims 1 and 2. Although the arrangements of the mirrors are different, the apparatus and design methods are applicable to each of Figs. 3-17.

The applicant respectfully requests that the election requirement be removed. The applicant also requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

DERGOSITS & NOAH LLP

Dated: February 29, 2008

By:



Todd A. Noah

Reg. No. 35,626

Attorneys for Applicant  
Four Embarcadero Center, Suite 1450  
San Francisco, California 94111  
(415) 705-6377